

MOHANADASS PARTNERSHIP  
*Advocates & Solicitors* ■■■■■

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A Solution for  
every Challenge

# MOHANADASS KANAGASABAI

Managing Partner

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**Mohanadass Kanagasabai** has three decades of dispute resolution experience having appeared as counsel in numerous disputes at all levels of the High Court of Malaya and in domestic and international arbitration. He has also been granted special ad-hoc admission to appear at the High Court of Borneo as counsel in arbitration related matters.

He is ranked by the Asia Pacific Legal 500 in its Hall of Fame for dispute resolution in Malaysia, and also recognised for his expertise in Band 1 for Dispute Resolution (Construction) by Chambers and Partners. Described as an “arbitration specialist” with a “giant reputation”, Mohan is a former President of the Malaysian Institute of Arbitrators and former Chair of the Dispute Resolution and Arbitration Committee of the Inter Pacific Bar Association.

## Career to Date

<b>2020</b>	Appointed to the Maldives International Arbitration Centre primary panel of arbitrators Senior Fellow Bali International Arbitration and Mediation Center Appointed as Arbitrator to the AIAC-HIAC Joint Empanelment Scheme
<b>2018</b>	Appointed to the SIAC Panel of Arbitrators
<b>2012</b>	Appointed to the SIAC Ad Hoc Panel of Arbitrators Admitted to the Panel of Adjudicators, KLRCA
<b>2010</b>	Managing Partner, Mohanadass Partnership Fellow, Singapore Institute of Arbitrators Chairman, Dispute Resolution and Arbitration Committee of the Inter Pacific Bar Association
<b>2009</b>	Vice Chairman, Dispute Resolution and Arbitration Committee of the Inter Pacific Bar Association President, Malaysian Institute of Arbitrators
<b>2008</b>	Fellow, Chartered Institute of Arbitrators
<b>2006</b>	Council Member, Malaysian Institute of Arbitrators Appointed to the Panel of the KLRCA's International Panel of Arbitrators
<b>1999</b>	Partner, Shook Lin & Bok

## Practice Areas

Contract and Commercial Disputes // Construction // Energy // Engineering // Telecommunications // Oil and Gas Disputes // Company Law.

## Qualifications

<b>1990</b>	Certificate Of Legal Practice (University Malaya)
<b>1989</b>	LLB Honours (2 <sup>nd</sup> Class Upper) (University of Buckingham)
<b>1982</b>	Asean Scholar, Hwa Chong Junior College, Singapore

# Experience

*as Counsel in Arbitration or  
related Court matters*

The nature of cases undertaken is diverse and includes the following :-

- Successfully acted at the High Court of Malaya to set aside Arbitration Award by an international panel of Arbitrators pursuant to s.37 of the Arbitration Act 2005.
- Appointed by Attorney General of Malaysia to act for 1MDB and Ministry of Finance Inc in multi Billion Dollar fraud and breach of contract litigation and LCIA arbitration arising from financial transactions.
- Acted for Vietnamese contractor in Swiss seated arbitration over disputes arising out of a contract for construction of a petroleum refinery.
- Arbitration in Singapore under SIAC rules in relation to claims arising from a joint venture for waste-heat power generation.
- Expert witness for Government of India in London High Court enforcement proceedings of an international award.
- Acted for Claimant in an investment treaty arbitration for breach of Asean Agreement for Promotion and Protection of Investment. Claim resolved after initiation of dispute and negotiation.
- Arbitration in Kuala Lumpur over termination of a contract for supply of and installation of rail network and locomotives.
- Arbitration in Kuala Lumpur under KLRCA Rules over disputes arising from the sale of a fabrication yard.
- Arbitration in Kuala Lumpur over disputes arising from fire damage to an oil storage facility. Claims for loss and disruption on account of design failures and consequential loss of profits.

- Arbitration in Kuala Lumpur involving a leading financial institution in respect of a dispute relating to the sale and purchase of loan security assets.
- Arbitration in Kuala Lumpur involving disputes relating to the supply and delivery of an integrated software and hardware system for a financial institution.
- Arbitration in London under LCIA Rules over disputes arising from a joint venture contract for management of a medical university and hospital.
- Arbitration in London under LCIA Rules over disputes arising from the fabrication of an Early Production System.
- Arbitration in London over disputes arising from the design and construction of an oil and gas platform under UNCITRAL Rules.
- Arbitration in London over disputes arising from design and construction of a central processing platform under the LCIA Rules.
- Arbitration in Singapore under the SIAC Rules over disputes arising from a contract for marketing and distribution of health products.
- Arbitration in Singapore in relation to joint venture disputes over a paper and pulp mill project under the Rules of the Singapore International Arbitration Centre.
- Appeared on behalf of a Ruler of a Malaysian state in the first ever trial before the Special Court established under Article 182 of the Federal Constitution pertaining to the call and drawdown on a standby Letter of Credit under the UCP500.

# Experience

*as Counsel in Arbitration or  
related Court matters*

- Arbitration in Kota Kinabalu over disputes arising from the construction of a hospital.
- Arbitration in Kuala Lumpur arising from the termination of distributorship rights for a German manufacturer of luxury motor vehicles under the UNCITRAL Arbitration Rules.
- Arbitration in Kuala Lumpur against insurers over fire damage to stock in trade and business disruption.
- Arbitration in Kuala Lumpur over disputes between shareholders in a hospital management contract.
- Arbitration in Kuala Lumpur over dispute arising from a contract for management of a leading hotel chain.
- Disputes arising from the termination of distributorship rights for leading international producer of sanitary ware.
- Shareholder disputes arising from an international joint venture contract for the manufacture of concrete poles and piles, held under Rules of the Kuala Lumpur Regional Centre for Arbitration.
- ICC Arbitration with a Geneva seat in respect of disputes arising out of an EPC contract for supply of an export gas compressor.
- UNCITRAL arbitration in Kuala Lumpur in respect of EPCC contract for well head riser platforms.

- Arbitration over disputes arising from design and construction of offshore power barges under the International Chamber of Commerce Rules.
- Disputes arising from a contract for 600km subsea pipe laying work in South China Sea under Thai law.
- Disputes arising from an international joint venture agreement for oil and gas exploration under the Rules of the Singapore International Arbitration Centre.
- Arbitration in India over disputes relating to highway upgrading and rehabilitation work.
- Arbitration in Singapore under the SIAC Rules over disputes arising from a monorail project.

# Experience

*as Arbitrator*

- Member of AIAC Arbitration Tribunal in a subsea pipeline dispute arising from failure of pipeline protective systems.
- Member of an AIAC Arbitration Tribunal over disputes arising from power purchase agreements.
- Sole Arbitrator appointed by SIAC in SIAC arbitration for disputes arising out of contract for provision of IT services under English law. Award published.
- Emergency Arbitrator under AIAC rules in shareholder disputes seeking injunctive relief. Award published.
- Sole Arbitrator in dispute arising from contract for construction of a highway. Award published.
- Member of an ICC Arbitration Tribunal in respect of shareholder disputes in relation to an international joint venture for manufacturing and sales of electronic products. Award published.
- Sole Arbitrator in Singapore seated ICC Arbitration for disputes in respect of sales of goods under Singapore law. Award published.
- Sole Arbitrator in AIAC arbitration involving joint venture disputes. Award published.
- Sole Arbitrator in AIAC arbitration involving housing construction disputes. Award published.
- Member of Tribunal in a bailment dispute involving the sale of oil. Award published.
- Sole Arbitrator in Fast Track Arbitration arising from a construction project. Award published within 160 days of commencement of proceedings.
- Sole Arbitrator in a Kuala Lumpur seated tenancy dispute. Award published.
- Sole Arbitrator in a road construction dispute. Consent Award published.
- Sole Arbitrator in dispute arising from contract for provision of IT services. Dispute resolved midway and arbitration terminated.
- Sole Arbitrator in disputes arising from a Design and Build Agreement to design and build housing. Award published.



# Publications

- Co-Editor, Halsbury's Law of Malaysia (Arbitration) (2006)
- Co-Editor, Annotated Statutes of Malaysia, Issue 59 (Arbitration) (2007)

## Reported International Cases

*where he has collaborated*

- Minister of Finance (Incorporated) & Another v International Petroleum Investment Company & Another  
*[2021] EWHC 2949 (Comm) at HC*
- Minister of Finance (Incorporated) & 1Malaysia Development Berhad v International Petroleum Investment Company & Aabar Investments PJS  
*[2019] EWCA Civ 2080*
- TNB Fuel Services Sdn Bhd v China National Coal Group Corporation  
*[2017] HKCU 1439*
- W Ltd v M Sdn Bhd  
*[2016] EWHC 422 (Comm)*
- T & C  
*[2016] HKCU 736*

# Recent Reported Cases

*of Appearances in Malaysian  
Courts as Counsel*

- Golden Plus Holdings Bhd v. Eng Hup Tat & Ors  
*[2022] 8 MLJ 879*
- Tecnicas Reunidas Malaysia Sdn Bhd v. Petrovietnam Engineering Consultancy JSC (PVE) & Anor and other cases  
*[2021] MLJU 2633*
- E.A. Technique (M) Sdn Bhd v. Malaysia Marine And Heavy Engineering Sdn Bhd  
*[2020] 11 MLJ 353*
- SJIC Bina Sdn Bhd v. Iskandar Regional Development Authority and Anor  
*[2020] MLJU 2366*
- Glomac Resources Sdn Bhd v. Majlis Agama Islam Wilayah Persekutuan & Anor  
*[2017] MLJU 893*
- Choice Prop Sdn Bhd v. Asie Sdn Bhd & Ors  
*[2016] 10 MLJ 334*
- Glomac Resources Sdn Bhd v. Majlis Agama Islam Wilayah Persekutuan & Anor  
*[2016] 9 MLJ 584*
- Cubic Electronic Sdn Bhd v. MKC Corporate & Business Advisory Sdn Bhd and another appeal  
*[2016] 3 MLJ 797*
- Mudajaya Corp Bhd v. Leighton Contractors (M) Sdn Bhd  
*[2015] 10 MLJ 745*
- TNB Fuel Services Sdn Bhd v. China National Coal Group Corporation  
*[2013] 4 MLJ 857*

- Edmund Ming Kwan @ Kwan Yee Ming, Edmund v. Extra Excel Malaysia Sdn Bhd & Ors  
*[2013] 4 CLJ 842*
- Sabah Medical Centre Sdn Bhd v. Syarikat Neptune Enterprise Sdn Bhd & Anor  
*[2012] 7 MLJ 28*
- Kejutaan Holdings Sdn Bhd v. Magnum 4D (Perak) Sdn Bhd & Ors  
*[2010] 3 MLJ 827*
- Standard Chartered Bank Malaysia Bhd v. Duli Yang Maha Mulia Tuanku Ja'afar Ibni Almarhum Tuanku Abdul Rahman Yang di Pertuan Negeri Sembilan Darul Khusus & Anor  
*[2009] 3 CLJ 709 , [2009] 4 MLJ 1 Special Court*
- Usahasama SPNB-LTAT Sdn Bhd v. Borneo Synergy (M) Sdn Bhd  
*[2009] 2 MLJ 308*
- Mirra Sdn Bhd v. The Ayer Molek Rubber Company Bhd  
*[2008] 2 MLJ 348*
- Gurbachan Singh & Ors v. Tetuan Muthu & Lee & Anor  
*[2001] MLJU 82*
- Lee Fu Sdn. Bhd. v. Kumpulan Emas Berhad  
*[2000] MLJU 817*
- Nguang Chan Sdn. Bhd. v. Pendakwa Raya  
*[2000] MLJU 166*

## Contact Us

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